

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 79 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al. (US Patent 6,058,373) in view of Examiner's Official Notice.

Blinn et al. discloses the claimed goods dealing apparatus/article of manufacture for buying and selling goods by pre-engagement connected to a plural seller's terminal devices and plural buyer's terminal devices through a computer network (e.g. column 8 line 66 to column 9 line 8) , comprising:

First storage means for storing plural pieces of selling information received from said plural seller's terminal devices (such as databases 130) and buying information and an addresses of buyer received from one of said plural buyer's terminal devices (column 8 line 31 discusses "where to ship the items" construed to be a buyers address, also see example of watch purchase column 8 lines 36+);

second storage means for storing plural pieces of information on distribution unit price between two points in accordance with a quantity of shipment (such as the database that stores details for the shipping stage column 34 lines 32+ which stores for example a "LinearShipping component" and "TableShipping" component used for calculating shipping costs);

Art Unit: 3687

Distribution cost management means for, in response to a request for obtaining selling information received from the one of said buyer's terminal devices (buyer for example submits a request for a watch, column 8 lines 36+), referring to said plural pieces of selling information (system identifies different watches), and said addresses of buyer stored in said first storage means, and referring to said plural pieces of information on distribution unit price stored in said second storage means in accordance with said referred plural addresses of sellers and said address of buyer, and calculating a total amount including distribution costs corresponding to said plural pieces of selling information (system calculates the total shipping charge for items, column 34 lines 32+ and Figure 12B based on shipping rates stored in the system, such as when it “multiplies the basis and the rate to determine the shipping cost”), based on said referred plural pieces of selling information and said plural pieces of information on distribution unit price; and

Transmitting means for transmitting the total amount calculated by said distribution cost management means to the one of said buyer's terminal devices (for example displaying of the total price of the selected items column 37 line 21 which includes the calculated shipping costs and taxes).

but is silent regarding:

the use of sellers and buyers addresses in calculating shipping costs.

Examiner takes Official Notice that it is old and well known in the art of shipping to utilize the location the goods are to be shipped from and the location where they are to be shipped to calculate how much it will cost to ship the item to base the shipping

Art Unit: 3687

costs on the distance the items need to be shipped. For example shipping a product across town would be much less expensive than shipping overseas.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Blinn et al. with the use of sellers and buyers addresses in calculating shipping costs as taught by Examiner's Official Notice in order to base the shipping costs on the distance the items need to travel.

Response to Arguments

3. Applicant's arguments with respect to claims 79 and 86 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3687

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

Elaine Gort
Primary Examiner
Art Unit 3687

April 22, 2010